

ORDINANCE NO. 629

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT
OF SETBACK LINES AND PROHIBITING THE ERECTION
OF BUILDINGS AND STRUCTURES WITHIN THE SET-
BACK AREA

The City Council of the City of Lodi does ordain as follows:

Section 1. Purpose and Authority

This ordinance is adopted to promote the public health, safety and general welfare by providing for the establishment of setback lines to protect the future rights-of-way for existing and planned streets. The specific setback lines which are provided for in this ordinance are hereby designated precise plans as authorized in Section 65601 of the Government Code.

Section 2. Definitions

For the purpose of this ordinance, the following words shall have the meaning indicated.

1. Building - any structure having a roof supported by columns or walls.
2. Setback Line - a line parallel to the future centerline of a street and designating the future right-of-way line of the street.
3. Setback Area - the area lying between setback lines established on each side of a street or planned street and including the full width of the future right-of-way.

4. Structure - anything constructed or erected which requires permanent location on the ground or which is attached to something requiring permanent location on the ground.

Section 3. Procedure for the Establishment of Setback Lines

1. When the Planning Commission or the City Council determines that a setback line is desirable and necessary Pa the public interest, either body may initiate proceedings by declaring its intention to establish a specific setback line.
2. The Planning Commission shall then hold at least one public hearing on the proposed setback line and shell make a recommendation and report to the City Council. Notice of the hearing shall be published at least 10 days prior to the hearing.
3. Upon receipt of the recommendation and report from the Planning Commission, the City Council shall hold a public hearing and may adopt an ordinance establishing the setback line. Notice of the hearing shall be published at least 10 days prior to the hearing.
4. If the City Council propoees a change in the setback line recommended by the Planning Commission, the change shall be referred ta the Planning Commission for a report before tho ordinanae is adoptad.

5. During the period between the declaration of intention to establish a setback line and the effective date of an ordinance establishing the setback line, no building permit shall be issued for the erection of a building or structure in the proposed setback area.

Section 4. Applicability of Setback Lines

1. After the adoption of a specific setback line on an existing or planned street, no building or structure or addition thereto shall be erected closer to the centerline of the street than the setback line so established, except as otherwise provided in this ordinance.
2. Exemptions from the Setback Line
 1. Cornices, eaves, canopies, and similar architectural features of a building when conforming to Section 6 of this ordinance.
 2. Uncovered terraces and paved areas.
 3. Fences and walls not exceeding 42 inches in height.
 4. Signs supported back of the setback line when conforming to Section 6 of this ordinance.
 5. Public street improvements and utility structures.

Section 5. Encroachments

After a report from the Planning Commission, the City Council may permit the erection of a building or structure within the setback area if the following requirements are met.

1. The strict application of the ordinance will result in unnecessary hardship to the property owner amounting to a practical confiscation of the property.
2. The intent of the ordinance to preserve future rights-of-way from obstructions will be observed through the imposition of conditions necessary to protect the public welfare and safety. The conditions may include a recorded agreement from the property owner to remove the encroachment at no expense to the City, or State agency at such time that it becomes necessary to widen the street.

Section 6, Effect on Zoning and Building Requirements

Where a setback line has been established on a street, all applicable zoning yard requirements and building code requirements shall be measured from the setback line and shall be based, where applicable, on the future curb line of the street..

Section 7. Specific Setback Lines

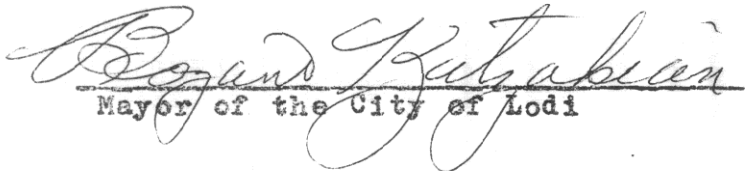
1. All setback lines previously adopted and now in effect in the City of Lodi are hereby continued,

2. All setback lines adopted in the future shall be established in accordance with the provisions of this ordinance.

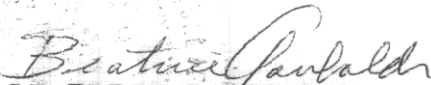
Section 8. Enactment

This ordinance shall be published once in the Lodi News-Sentinel and shall be in full force and take effect thirty (30) days from and after its passage and approval.

Approved this 3rd day of December, 1958.


Mayor of the City of Lodi

Attest:


BEATRICE GARIBALDI
City Clerk

I, BEATRICE GARIBALDI, City Clerk of the City of Lodi and ex officio Clerk of the City Council, do hereby certify that Ordinance No. 629 was introduced at a regular meeting of the City Council held November 19, 1958, and was thereafter passed, adopted and ordered to print at a regular meeting held December 3, 1958, by the following vote:

AYES: Councilmen - Brown, Culbertson, Mitchell, Robinson and Katzakian

NOES: Councilmen - None

ABSENT: Councilmen - None

I further certify that Ordinance No. 629 was approved and signed by the Mayor on the date of its passage and that the same has been published pursuant to law.


BEATRICE GARIBALDI
City Clerk